

# State Notes

## TOPICS OF LEGISLATIVE INTEREST

### July/August 2003



#### **The Michigan Prison Population: Men's Declining but Women's Still Rising** by **Bethany Wicksall**

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##### **Introduction**

A year ago, it seemed that the Department of Corrections (DOC) would be running out of bed space for the men's prisoner population by the end of 2003. Instead, the male prisoner population actually declined for the first six months of the calendar year, and the Department currently has 2,500 vacant men's beds. In the meantime, the population of female prisoners has continued to grow, and their capacity requirements have been gaining attention. This article provides a brief overview of the recent changes in the men's prison population, the issues surrounding the women's population and capacity shortage, and what the future might hold for both populations.

##### **The Male Prisoner Population**

Compared with a growth rate of 3.3% in 2001, Michigan's male prisoner population had grown 5.1% by the end of October 2002, prompting the DOC to examine the unexpectedly high growth and attempt to address the issue before running out of beds. In November 2002, the DOC took three immediate steps to stem the population growth. First, it implemented a Parole Violator Diversion Program, in which the Parole Board approves six-month, fixed-date paroles for screened parole violators who complete a new prison camp program. Most likely these prisoners otherwise would receive at least 12- to 18-month continued prison sentences. Second, the Parole Board approved earlier parole dates for offenders who already had served their minimum sentence and been approved for parole release at some point in the future. Finally, the DOC amended its policy directives to allow parole officers to increase the use of community sanctions for parole technical violators, thereby decreasing the use of prison return for violator sanctions. This has reduced the average number of parole technical violators returning to prison from 300 per month to 150 per month. These combined measures created an immediate reduction in the prison population, slowing the 2002 growth rate to 4.5%, but may have provided only a temporary solution as the paroles were simply moved up from the future and, even with additional sanctions, some parole violators may continue to violate the conditions of their parole until finally being sent back to prison.

Further administrative and policy changes continued the population reduction into 2003. In December 2002, the Legislature enacted Public Acts 665, 666, and 670 of 2002, eliminating mandatory minimum sentences for drug offenders and making offenders previously sentenced under mandatory minimums eligible for parole at an earlier date, as of March 1, 2003. According to the DOC, this will allow as many as 700 first-time, nonviolent drug offenders to be released by October 2003. Additionally, the DOC proposed changes to Truth-in-Sentencing legislation in order to increase use of the Community Residential Program (CRP). Opposition to any revision of Truth-in-Sentencing was strong, so the DOC offered a compromise in which it will increase use of the program but not with offenders who have not yet reached parole eligibility. Instead, the program will target offenders who have already served their minimum sentences, but of whom the Parole Board requests "further demonstration" of good behavior before an offender is placed on parole. According to the DOC, this program, which will begin



October 1, 2003, may move 800 offenders from prison into the CRP in the first year, thereby freeing as many prison beds.

Since November 2002, when the first changes were implemented, the DOC saw population reductions on average of 115 per month until July 2003. This equaled a total reduction of 700 for the first half of 2003, compared with growth of almost 1,600 for the first half of 2002. The policies mentioned above can be credited almost solely for the reduction, given that new offenders have continued coming to prison for new crimes at basically the same rate as last year. After six months of reductions, the DOC began to see slight population increases in July and August. Depending on the rate of growth and the implementation of the CRP, however, it still may be possible for the Department to end the year with negative population growth.

Although the DOC has been successful in slowing growth, many of the tools used were temporary and may only push the run-out-of-beds date back one more year. For now, however, the DOC finds itself with 2,500 vacant beds in its men's facilities. These include a 240-bed unit at the Macomb Correctional Facility in New Haven, 720 beds that were formerly part of Jackson Maximum Correctional Facility before it was closed in January 2002, and 950 beds at the Michigan Reformatory in Ionia, which also was closed in 2002 and has since been undergoing renovation. New DOC population projections, which were released last week, suggest the Department will need to reopen these beds next year and will run out of beds by early 2005 unless other long-term solutions are found.

### **The Female Prisoner Population**

Compared with the male population, the female prisoner population generally does not garner as much attention in discussions of population growth and capacity, because it is such a small portion of Michigan's total prisoner population. Currently, of 48,900 prisoners, just 2,170 or 4.4% are women. Over the last 10 years, however, the women's population has begun to grow at a faster rate than that of the men's population, bringing the women's facilities nearly to full capacity and making the issue more prominent. In 2002, while the men's population rose 4.5%, the women's grew 10.4%, and in 2003, despite changes that have reduced the number of male prisoners, the number of female prisoners has continued to grow. Today, the DOC has just 75 vacant women's beds, and this is only after some recent changes to increase available bed space minimally until the DOC can go ahead with the construction of a proposed new housing unit in one of the three women's facilities.

Originally, the DOC requested the construction of a 336-bed unit at Camp Brighton, a minimum security facility in Pinckney. The Legislature authorized the expenditure of \$10.75 million (\$3,675,000 from the State Building Authority and \$7,075,000 from Federal Violent Offender Incarceration/Truth in Sentencing (VOI/TIS) grant funds) for the project in a Capital Outlay supplemental appropriation in Public Act 530 of 2002. This also would have included a new food service building required in order to accommodate the increased population. As the Department began plans for the construction, it met two major obstacles. First, Camp Brighton had serious infrastructure limitations. Even with its existing population, it had inadequate sewer and water capacity – a problem that has since been solved but would have required a

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significantly more extensive solution if the population were to be almost doubled. Second, the local community raised opposition to any addition to the camp.

The Department then studied its other options. It has only two other women's facilities: Robert Scott and Western Wayne Correctional Facilities, both located on the border of Northville and Plymouth Townships. Due to previous community opposition there, the Legislature placed a statutory population cap on those two facilities in 1985, but did raise the cap at Western Wayne in 1995 while it was still a men's facility. In order to provide some immediate capacity relief and use already existing bed space, the DOC proposed an increase in the caps for both facilities, from 860 to 880 at Scott and from 775 to 925 at Western Wayne. In preparation for a change in construction plans, the DOC also proposed language that would automatically increase the population caps at the Western Wayne or Scott Correctional Facility if a newly-constructed housing unit were added to that facility. Both proposals were included in the legislation eliminating the mandatory minimum sentence, Public Act 670 of 2002.

Then, as part of a supplemental appropriation bill (Senate Bill 540) in 2003, the DOC proposed shifting the new housing unit to Scott at a reduced cost of \$4.8 million; all but \$100 in General Fund/General Purpose (GF/GP) funds would have come from the State Building Authority. This also made the balance of VOI/TIS funds available for the operation of the Michigan Youth Correctional Facility in FY 2003-04, which otherwise would have required additional GF/GP dollars. Public opposition to the addition at Scott followed, prompting an amendment to strip the appropriation. The appropriation was later put back in, but amended such that the housing unit would be built at the Western Wayne facility rather than Scott. This solution was not complete in that Western Wayne is located less than one half-mile away from Scott, so public opposition remains. In addition, the Western Wayne facility is built on the site of the old Detroit Dump, and the DOC could have faced environmental obstacles in constructing a new building there. Because the Department had neither proposed nor had time to evaluate the possibility of construction at Western Wayne, Governor Granholm vetoed the appropriation and related boilerplate.

As the amendment to the original appropriation was vetoed, Public Act 530 of 2002 still stands, meaning the DOC may construct a 336-bed unit at Brighton at the cost of \$10.7 million. The VOI/TIS portion of the money was used in the DOC budget, however, so in order to complete the project, \$7.0 million in additional funds will have to be found in a budget year when there is little to be had. This leaves the DOC searching for other options but still hopeful that a compromise can be found in Northville. One possibility at Western Wayne would be to convert an empty, existing cell block that was originally built as part of the Detroit House of Corrections in 1930, but has been vacant since the State purchased the facility in 1979. The Department does not yet have figures as to what the cost would be and whether there would be savings from renovating the existing building rather than constructing a new one. In addition, the statutory language increasing the cap at Western Wayne will be triggered only if "a new housing unit is constructed within the security perimeter of either facility", so using an existing building may require a statutory change, which would likely face further opposition.

Other alternatives, such as housing the women in either of the two men's facilities that are currently vacant, have been considered. There are a number of reasons why the DOC believes



this would not be the optimum solution. First, in 2000 and 2001, the Department undertook a major transition in order to bring the whole women's population closer together to reduce costs. This included converting the Florence Crane Correctional Facility and Camp Branch in Coldwater from women's facilities to men's facilities and changing the Western Wayne and Camp Brighton populations from men to women. Now the women's facilities are within 30 miles of each other and the prisoners can be transferred more cost-effectively. Moving women to either Jackson or Ionia would be contradictory to that change. In addition, the beds available in Jackson are housing units that are part of the Jackson Complex, which consists of five men's facilities. The DOC would have to make special accommodations in order to keep the two populations separate yet allow them to use the same programming space and dining facilities.

This leaves the Michigan Reformatory in Ionia, a Level IV prison built in 1876, making it Michigan's oldest prison. Because of its age, design, and security level, it requires higher staffing ratios, has higher utility costs, and lacks the programming space required for Level I prisoners. Additionally, it would require full administrative, programming, and health care staff, which would not be necessary if a unit were constructed within an operating facility. Use of the Michigan Reformatory also would create a two-hour commute each way for the transfer of women to and from Scott, which is the women's reception center, thereby significantly increasing staff and transportation costs. Finally, although the men's population growth recently declined, it is not likely to continue doing so indefinitely and may necessitate the reopening of both Jackson Maximum and the Michigan Reformatory in the near future.

### **Conclusion**

Although the DOC has made strides in keeping the men's population from reaching full capacity, it will require further effort and policy change in order to control growth. Having 2,500 open beds allows the Department some time to determine the best way to do that. The DOC does not, however, have that kind of flexibility with the women's population. The DOC either will have to reach a compromise with the surrounding communities, or will need to find an alternative site for new beds. In the meantime, the Department must find ways of specifically addressing the growth of the women's population as it did with the men. One possibility is that the CRP eligibility criteria changes taking place this fall will qualify more women as well as men for community placement, opening some bed space and allowing the DOC time to develop other options before reaching capacity.